

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**10/561700**

In Re Application of:

Confirmation No.: TBD **10/561700 22 DEC 2005**

Odidi et al.

Group Art Unit: TBD

Serial No.: To Be Determined

Examiner: TBD

Filed: Filed Herewith

Docket No.: 221904-1050

For: PROTON PUMP-INHIBITOR-CONTAINING CAPSULES WHICH COMPRIZE SUBUNITS DIFFERENTLY STRUCTURED FOR A DELAYED RELEASE OF THE ACTIVE INGREDIENT

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PCT (DO/EO/US)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- under 37 CFR 1.97(b), or  
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
  - Statement Under 37 C.F.R. 1.97(e), or
  - a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:
  - Statement under 37 CFR 1.97(e), and
  - a \$180.00 petition fee set forth in 37 CFR 1.17(p).  
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.
- A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents

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may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

JAP20 Rec'd Jun 10 22 DEC 2005

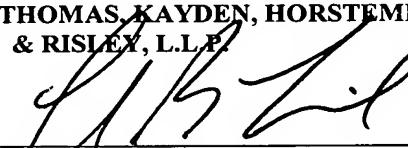
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

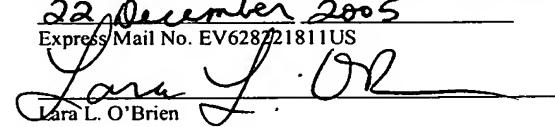
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**EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Patent, Mail Stop PCT (DO/EO/US), P.O. Box 1450, Alexandria, VA, on

  
22 December 2005  
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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>					Attorney Docket No. 221904-1050		Serial No. TBD
					IAP20 REC'D UPTO 22 DEC 2005		
					Filing Date Filed Herewith	Group TBD	
U.S. PATENT DOCUMENTS							
Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	US 2002/0045646 A1	04/18/2002	Phillips	514	338	
	B	6,489,346	12/03/2002	Phillips	514	338	
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation
							Yes      No
	L	WO 03/009846 A1	02/06/2003	PCT (WIPO)	A61K	31/4439	
	M	1 017 370 (WO 99/12524)	03/18/1999	EP (corr. PCT publication attached)	A61K	9/20	
	N						
	O						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	P						
	Q						
	R						

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

**EXAMINER'S SIGNATURE:**

**DATE CONSIDERED:**